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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,473	05/14/2001	Alexander Steinkogler	JEK/Seinkogler	3550

7590 01/26/2005
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EXAMINER

NGUYEN, KIMBERLY D

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 01/26/2005

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/718,473
Filing Date: May 14, 2001
Appellant(s): STEINKOGLER ET AL.

MAILED
JAN 26 2005
GROUP 2800

Justin Cassell
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 22, 2004.

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(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments*

The appellant's statement of the status of amendments after Office rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(7) *Prior Art of Record*

5,064,222

Legault

11-1991

(8) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Legault (US 5,064,222).

Re claims 1-4, 7-10: Legault teaches a method for processing different successively processed groups of loose sheet material (i.e., the groups of sheets (3, 4, 7, 8 in figs. 1-2) serve as groups of loose sheet material, see col. 3, lines 1-5), comprising the following method steps:

separating the different groups of sheet material (see fig. 2), and
processing the separate groups of sheet material (see fig. 2), the step of processing including examining the fitness or obtaining information of loose sheet material of each group of sheet material (col. 2, lines, 1-23),

wherein a separator-card (cover-sheet 3 in figs. 1-2) is used for separating the different groups of sheet material, and at least one information-carrier (bar code applicator 8) is used for processing the different groups of sheet material and bears information specific to a group of sheet material, the separator card (3) and the at least one information carrier (8) being separate from one another (see figs. 1-2; col. 1, line 64 through col. 2, line 67).

Re claims 5-6, 11-13: Legault teaches a method, wherein the separator card (cover-sheet 3 in figs. 1-2) and the at least one information carrier (bar code applicator 8 in figs. 1-2) are brought together with the groups of sheet material at different places (see figs. 1-2; col. 1, line 64 through col. 2, line 67).

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Re claim 14: Legault teaches the separator card (3) comprised of colored tissue paper, which serves as the separator card possesses physical properties different from physical properties of the loose sheet material (col. 2, lines 4-5).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Legault in view of Kayani et al. (US 5,917,930; hereinafter "Kayani"). The teachings of Legault have been discussed above.

Legault fails to teach the groups of sheet material are defined by deposits of individual bank notes, the at least one information carrier bearing deposit data for an individual group of sheet material.

Kayani teaches the groups of sheet material are defined by deposits of individual bank notes, the at least one information carrier bearing deposit data for an individual group of sheet material (col. 2, line 21 through col. 3, line 13).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to use deposits of bank notes as taught by Kayani to the teachings of Legault in order to provide detail account information about the group of currency/sheets (col. 2, lines 62-66).

(9) Response to Argument

1. With respect to the appellants' argument that "While it is true that the sheets in the booklet are separated by cover sheets, there is simply no disclosure or suggestion in the Legault patent of processing loose sheet material ... In the outstanding office action, the examiner erroneously refers partly to FIGS. 1 and 2 showing the sheet material of the booklet in support of the allegation that indeed the Legault patent discloses processing "loose sheet material." FIGS. 1 and 2 do not show loose sheet material." (see last paragraph of page 6 and 1st paragraph of page 7), the examiner respectfully submits that "There is further provided a booklet incorporating the applicator, having also one or more groups of sheets, each group comprising an instruction page, a bar code applicator and a separator sheet adjacent the bar code applicator." (see Legault's abstract, lines 8-12 and col. 2, lines 1-3); wherein each group comprising an instruction page (sheet 7 in fig. 2), a bar code applicator (sheet 8 in fig. 2), and a separator (sheet 3 in fig. 2), which is clearly taught by Legault wherein the loose sheet materials, as discussed above, are processed prior to the binding of the loose sheets to form a booklet. Accordingly, the examiner believes that Legault clearly teaches the claimed invention as set forth in this instant application.

2. With respect to the appellants' argument that "It is readily clear from the Legault patent that the bar code applicator does not provide information for a particular group of sheet material." (see page 8, lines 1-2), the examiner respectfully requests the appellants to further review Legault's reference wherein "...the bar code applicator [sheet] is adapted to allow the user to apply a precise and uniform bar code designating a Canadian postal code, consisting of a six figure alphanumeric code, to the face of an envelope..."(see col. 2, lines 28-32). Therefore,

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the bar code applicator (sheet 8 in fig. 2) carries information for a particular booklet/group-of-sheets (i.e., the postal code for the group of sheet material) (see col. 2, lines 1-49).

3. With respect to the appellants' argument that "The Legault patent fails to disclose or suggest that processing sheet material includes examining the fitness or obtaining information of loose sheet material..." (see page 9, lines 7-9), the examiner respectfully submits that Legault teaches "Referring to FIG. 2, the pages of the booklet comprise repeating groups of sheets, each group consisting of the following: a) a protective cover sheet 3..., b) a stamp page 4..., c) an instruction sheet 7..., d) a bar code applicator..." (see col. 2, lines 1-23), which encompasses examining the fitness or obtaining information of loose sheet material of the booklet.

4. With respect to the appellants' argument that "One of ordinary skill would not reasonably understand or infer from the teachings of the Legault patent the separator card and information carrier for use in a sheet processing device in accordance with claim 7." (see page 9, lines 25-27), wherein the limitation of claim 7 is "at least one information carrier arranged to provide specific information concerning a group of loose sheet material as the groups are successively transported in a sheet processing device", the examiner respectfully submits that Legault's reference teaches "...the bar code applicator [sheet] is adapted to allow the user to apply a precise and uniform bar code designating a Canadian postal code, consisting of a six figure alphanumeric code, to the face of an envelope..." (see col. 2, lines 28-32). Since the bar code applicator (sheet 8 in fig. 2) carries information for a particular booklet/group-of-sheets (i.e., the postal code for the group of sheet material) (see col. 2, lines 1-49), Legault reads on the limitation of claim 7.

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5. With respect to the appellants' argument that "d. the nature of the cover sheet and the bar code applicator in the Legault patent would not be understood by a skilled artisan as a separator card or information means for a bank note processing machine (in reference to claim 7 only)." (see page 6, lines 16 (paragraph d)), the examiner respectfully submits that the limitation "for a bank note processing machine" is absent in the appealed claim 7. Therefore, given it's broadest reasonable interpretation, the examiner respectfully believes that Legault still meets the claimed invention.

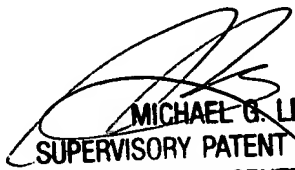
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

KDN
January 24, 2005

Conferees
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